

SENATE BILL 6325

State of Washington

60th Legislature

2008 Regular Session

By Senator Hargrove

Read first time 01/15/08. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to juvenile offender suspended disposition
2 alternatives; and amending RCW 13.40.0357.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 Sec. 1. RCW 13.40.0357 and 2007 c 199 s 11 are each amended to
5 read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION

JUVENILE

CATEGORY FOR

DISPOSITION

ATTEMPT, BAILJUMP,

OFFENSE

CONSPIRACY, OR

CATEGORY DESCRIPTION (RCW CITATION)

SOLICITATION

.....

Arson and Malicious Mischief

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D

1	D	Reckless Burning 2 (9A.48.050)	E
2	B	Malicious Mischief 1 (9A.48.070)	C
3	C	Malicious Mischief 2 (9A.48.080)	D
4	D	Malicious Mischief 3 (9A.48.090(2) (a) and	
5		(c))	E
6	E	Malicious Mischief 3 (9A.48.090(2)(b))	E
7	E	Tampering with Fire Alarm Apparatus	
8		(9.40.100)	E
9	E	Tampering with Fire Alarm Apparatus with	
10		Intent to Commit Arson (9.40.105)	E
11	A	Possession of Incendiary Device (9.40.120)	B+
12		<b>Assault and Other Crimes Involving</b>	
13		<b>Physical Harm</b>	
14	A	Assault 1 (9A.36.011)	B+
15	B+	Assault 2 (9A.36.021)	C+
16	C+	Assault 3 (9A.36.031)	D+
17	D+	Assault 4 (9A.36.041)	E
18	B+	Drive-By Shooting (9A.36.045)	C+
19	D+	Reckless Endangerment (9A.36.050)	E
20	C+	Promoting Suicide Attempt (9A.36.060)	D+
21	D+	Coercion (9A.36.070)	E
22	C+	Custodial Assault (9A.36.100)	D+
23		<b>Burglary and Trespass</b>	
24	B+	Burglary 1 (9A.52.020)	C+
25	B	Residential Burglary (9A.52.025)	C
26	B	Burglary 2 (9A.52.030)	C
27	D	Burglary Tools (Possession of) (9A.52.060)	E
28	D	Criminal Trespass 1 (9A.52.070)	E
29	E	Criminal Trespass 2 (9A.52.080)	E
30	C	Mineral Trespass (78.44.330)	C
31	C	Vehicle Prowling 1 (9A.52.095)	D
32	D	Vehicle Prowling 2 (9A.52.100)	E
33		<b>Drugs</b>	
34	E	Possession/Consumption of Alcohol	
35		(66.44.270)	E

1	C	Illegally Obtaining Legend Drug	
2		(69.41.020)	D
3	C+	Sale, Delivery, Possession of Legend Drug	
4		with Intent to Sell (69.41.030(2)(a))	D+
5	E	Possession of Legend Drug	
6		(69.41.030(2)(b))	E
7	B+	Violation of Uniform Controlled Substances	
8		Act - Narcotic, Methamphetamine, or	
9		Flunitrazepam Sale (69.50.401(2) (a) or	
10		(b))	B+
11	C	Violation of Uniform Controlled Substances	
12		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
13	E	Possession of Marihuana <40 grams	
14		(69.50.4014)	E
15	C	Fraudulently Obtaining Controlled	
16		Substance (69.50.403)	C
17	C+	Sale of Controlled Substance for Profit	
18		(69.50.410)	C+
19	E	Unlawful Inhalation (9.47A.020)	E
20	B	Violation of Uniform Controlled Substances	
21		Act - Narcotic, Methamphetamine, or	
22		Flunitrazepam Counterfeit Substances	
23		(69.50.4011(2) (a) or (b))	B
24	C	Violation of Uniform Controlled Substances	
25		Act - Nonnarcotic Counterfeit Substances	
26		(69.50.4011(2) (c), (d), or (e))	C
27	C	Violation of Uniform Controlled Substances	
28		Act - Possession of a Controlled Substance	
29		(69.50.4013)	C
30	C	Violation of Uniform Controlled Substances	
31		Act - Possession of a Controlled Substance	
32		(69.50.4012)	C
33		<b>Firearms and Weapons</b>	
34	B	Theft of Firearm (9A.56.300)	C
35	B	Possession of Stolen Firearm (9A.56.310)	C
36	E	Carrying Loaded Pistol Without Permit	
37		(9.41.050)	E

1	C	Possession of Firearms by Minor (<18)	
2		(9.41.040(2)(a)(iii))	C
3	D+	Possession of Dangerous Weapon	
4		(9.41.250)	E
5	D	Intimidating Another Person by use of	
6		Weapon (9.41.270)	E
7		<b>Homicide</b>	
8	A+	Murder 1 (9A.32.030)	A
9	A+	Murder 2 (9A.32.050)	B+
10	B+	Manslaughter 1 (9A.32.060)	C+
11	C+	Manslaughter 2 (9A.32.070)	D+
12	B+	Veicular Homicide (46.61.520)	C+
13		<b>Kidnapping</b>	
14	A	Kidnap 1 (9A.40.020)	B+
15	B+	Kidnap 2 (9A.40.030)	C+
16	C+	Unlawful Imprisonment (9A.40.040)	D+
17		<b>Obstructing Governmental Operation</b>	
18	D	Obstructing a Law Enforcement Officer	
19		(9A.76.020)	E
20	E	Resisting Arrest (9A.76.040)	E
21	B	Introducing Contraband 1 (9A.76.140)	C
22	C	Introducing Contraband 2 (9A.76.150)	D
23	E	Introducing Contraband 3 (9A.76.160)	E
24	B+	Intimidating a Public Servant (9A.76.180)	C+
25	B+	Intimidating a Witness (9A.72.110)	C+
26		<b>Public Disturbance</b>	
27	C+	Riot with Weapon (9A.84.010(2)(b))	D+
28	D+	Riot Without Weapon (9A.84.010(2)(a))	E
29	E	Failure to Disperse (9A.84.020)	E
30	E	Disorderly Conduct (9A.84.030)	E
31		<b>Sex Crimes</b>	
32	A	Rape 1 (9A.44.040)	B+
33	A-	Rape 2 (9A.44.050)	B+
34	C+	Rape 3 (9A.44.060)	D+
35	A-	Rape of a Child 1 (9A.44.073)	B+
36	B+	Rape of a Child 2 (9A.44.076)	C+

1	B	Incest 1 (9A.64.020(1))	C
2	C	Incest 2 (9A.64.020(2))	D
3	D+	Indecent Exposure (Victim <14)	
4		(9A.88.010)	E
5	E	Indecent Exposure (Victim 14 or over)	
6		(9A.88.010)	E
7	B+	Promoting Prostitution 1 (9A.88.070)	C+
8	C+	Promoting Prostitution 2 (9A.88.080)	D+
9	E	O & A (Prostitution) (9A.88.030)	E
10	B+	Indecent Liberties (9A.44.100)	C+
11	A-	Child Molestation 1 (9A.44.083)	B+
12	B	Child Molestation 2 (9A.44.086)	C+
13		<b>Theft, Robbery, Extortion, and Forgery</b>	
14	B	Theft 1 (9A.56.030)	C
15	C	Theft 2 (9A.56.040)	D
16	D	Theft 3 (9A.56.050)	E
17	B	Theft of Livestock 1 and 2 (9A.56.080 and	
18		9A.56.083)	C
19	C	Forgery (9A.60.020)	D
20	A	Robbery 1 (9A.56.200)	B+
21	B+	Robbery 2 (9A.56.210)	C+
22	B+	Extortion 1 (9A.56.120)	C+
23	C+	Extortion 2 (9A.56.130)	D+
24	C	Identity Theft 1 (9.35.020(2))	D
25	D	Identity Theft 2 (9.35.020(3))	E
26	D	Improperly Obtaining Financial Information	
27		(9.35.010)	E
28	B	Possession of a Stolen Vehicle (9A.56.068)	C
29	B	Possession of Stolen Property 1	
30		(9A.56.150)	C
31	C	Possession of Stolen Property 2	
32		(9A.56.160)	D
33	D	Possession of Stolen Property 3	
34		(9A.56.170)	E
35	B	Taking Motor Vehicle Without Permission	
36		1 (9A.56.070)	C

1	C	Taking Motor Vehicle Without Permission	
2		2 (9A.56.075)	D
3	B	Theft of a Motor Vehicle (9A.56.065)	C
4		<b>Motor Vehicle Related Crimes</b>	
5	E	Driving Without a License (46.20.005)	E
6	B+	Hit and Run - Death (46.52.020(4)(a))	C+
7	C	Hit and Run - Injury (46.52.020(4)(b))	D
8	D	Hit and Run-Attended (46.52.020(5))	E
9	E	Hit and Run-Unattended (46.52.010)	E
10	C	Vehicular Assault (46.61.522)	D
11	C	Attempting to Elude Pursuing Police	
12		Vehicle (46.61.024)	D
13	E	Reckless Driving (46.61.500)	E
14	D	Driving While Under the Influence	
15		(46.61.502 and 46.61.504)	E
16	B+	Felony Driving While Under the Influence	
17		(46.61.502(6))	B
18	B+	Felony Physical Control of a Vehicle While	
19		Under the Influence (46.61.504(6))	B
20		<b>Other</b>	
21	B	Animal Cruelty 1 (16.52.205)	C
22	B	Bomb Threat (9.61.160)	C
23	C	Escape 1 <sup>1</sup> (9A.76.110)	C
24	C	Escape 2 <sup>1</sup> (9A.76.120)	C
25	D	Escape 3 (9A.76.130)	E
26	E	Obscene, Harassing, Etc., Phone Calls	
27		(9.61.230)	E
28	A	Other Offense Equivalent to an Adult Class	
29		A Felony	B+
30	B	Other Offense Equivalent to an Adult Class	
31		B Felony	C
32	C	Other Offense Equivalent to an Adult Class	
33		C Felony	D
34	D	Other Offense Equivalent to an Adult Gross	
35		Misdemeanor	E

1 E Other Offense Equivalent to an Adult  
 2 Misdemeanor E  
 3 V Violation of Order of Restitution,  
 4 Community Supervision, or Confinement  
 5 (13.40.200)<sup>2</sup> V

6 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
 7 and the standard range is established as follows:

8 1st escape or attempted escape during 12-month period - 4 weeks  
 9 confinement

10 2nd escape or attempted escape during 12-month period - 8 weeks  
 11 confinement

12 3rd and subsequent escape or attempted escape during 12-month  
 13 period - 12 weeks confinement

14 <sup>2</sup>If the court finds that a respondent has violated terms of an order,  
 15 it may impose a penalty of up to 30 days of confinement.

16 **JUVENILE SENTENCING STANDARDS**

17 This schedule must be used for juvenile offenders. The court may  
 18 select sentencing option A, B, C, D, or RCW 13.40.167.

19 **OPTION A**  
 20 **JUVENILE OFFENDER SENTENCING GRID**  
 21 **STANDARD RANGE**

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22 A+ 180 WEEKS TO AGE 21 YEARS

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23  
 24 A 103 WEEKS TO 129 WEEKS

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25	A-	15-36	52-65	80-100	103-129
26		WEEKS	WEEKS	WEEKS	WEEKS
27		EXCEPT			
28		30-40			
29		WEEKS FOR			
30		15-17			
31		YEAR OLDS			

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32	Current	B+	15-36	52-65	80-100	103-129
33	Offense	Category	WEEKS	WEEKS	WEEKS	WEEKS

1	B	LOCAL		52-65
2		SANCTIONS (LS)	15-36 WEEKS	WEEKS
3				
4	C+	LS		15-36 WEEKS
5				
6				
7	C	LS		15-36 WEEKS
8			Local Sanctions:	
9			0 to 30 Days	
10	D+	LS	0 to 12 Months Community Supervision	
11			0 to 150 Hours Community Restitution	
12	D	LS	\$0 to \$500 Fine	
13				
14	E	LS		
15				
16			0	1
17			2	3
18			4	or more
			PRIOR ADJUDICATIONS	

19 NOTE: References in the grid to days or weeks mean periods of  
20 confinement.

21 (1) The vertical axis of the grid is the current offense category.  
22 The current offense category is determined by the offense of  
23 adjudication.

24 (2) The horizontal axis of the grid is the number of prior  
25 adjudications included in the juvenile's criminal history. Each prior  
26 felony adjudication shall count as one point. Each prior violation,  
27 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
28 point. Fractional points shall be rounded down.

29 (3) The standard range disposition for each offense is determined  
30 by the intersection of the column defined by the prior adjudications  
31 and the row defined by the current offense category.

32 (4) RCW 13.40.180 applies if the offender is being sentenced for  
33 more than one offense.

34 (5) A current offense that is a violation is equivalent to an  
35 offense category of E. However, a disposition for a violation shall  
36 not include confinement.

37 **OR**

38 **OPTION B**

39 **SUSPENDED DISPOSITION ALTERNATIVE**

1 (1) If the offender is subject to a standard range disposition  
2 involving confinement by the department, the court may impose the  
3 standard range and suspend the disposition on condition that the  
4 offender comply with one or more local sanctions and any educational or  
5 treatment requirement. The treatment programs provided to the offender  
6 must be either research-based best practice programs as identified by  
7 the Washington state institute for public policy or the joint  
8 legislative audit and review committee, or for chemical dependency  
9 treatment programs or services, they must be evidence-based, research-  
10 based, consensus-based, or a promising or emerging best practice. For  
11 the purposes of this subsection:

12 (a) "Consensus-based" means a program or practice that has general  
13 support among treatment providers and experts, based on experience or  
14 professional literature, and may have anecdotal or case study support,  
15 or that is agreed but not possible to perform studies with random  
16 assignment and controlled groups;

17 (b) "Evidence-based" means a program or practice that has had  
18 multiple site random controlled trials across heterogeneous populations  
19 demonstrating that the program or practice is effective for the  
20 population;

21 (c) "Promising practice" or "emerging best practice" means a  
22 practice that presents, based upon preliminary information, potential  
23 for becoming a research-based or consensus-based practice; and

24 (d) "Research-based" means a program or practice that has some  
25 research demonstrating effectiveness, but that does not yet meet the  
26 standard of evidence-based practices.

27 (2) If the offender fails to comply with the suspended disposition,  
28 the court may impose sanctions pursuant to RCW 13.40.200 or may revoke  
29 the suspended disposition and order the disposition's execution.

30 (3) An offender is ineligible for the suspended disposition option  
31 under this section if the offender is:

32 (a) Adjudicated of an A+ offense;

33 (b) Fourteen years of age or older and is adjudicated of one or  
34 more of the following offenses:

35 (i) A class A offense, or an attempt, conspiracy, or solicitation  
36 to commit a class A offense;

37 (ii) Manslaughter in the first degree (RCW 9A.32.060); or

1 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
2 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW  
3 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential  
4 burglary (RCW 9A.52.025), burglary in the second degree (RCW  
5 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW  
6 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a  
7 witness (RCW 9A.72.110), violation of the uniform controlled substances  
8 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),  
9 when the offense includes infliction of bodily harm upon another or  
10 when during the commission or immediate withdrawal from the offense the  
11 respondent was armed with a deadly weapon;

12 (c) Ordered to serve a disposition for a firearm violation under  
13 RCW 13.40.193; or

14 (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

15 **OR**

16 **OPTION C**

17 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

18 If the juvenile offender is subject to a standard range disposition  
19 of local sanctions or 15 to 36 weeks of confinement and has not  
20 committed an A- or B+ offense, the court may impose a disposition under  
21 RCW 13.40.160(4) and 13.40.165.

22 **OR**

23 **OPTION D**

24 **MANIFEST INJUSTICE**

25 If the court determines that a disposition under option A, B, or C  
26 would effectuate a manifest injustice, the court shall impose a  
27 disposition outside the standard range under RCW 13.40.160(2).

**--- END ---**